



Appeal Decision

Site visit made on 24 September 2024

by S. Hartley BA (Hons) Dist.TP (Manc), DMS, MRTPI, MRICS

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal Ref: APP/W4325/D/24/3343581

Brookfield, 90 Thurstaston Road, Irby, Wirral, CH61 0HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by David Jones against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APPH/23/00749.
 - The development proposed is an open-sided car port of plan area approximately 4.4m long by 5.45m wide formed by extending forward the existing double garage double-pitched roof. The car port to be supported by the garage front wall at one end and two pillars at the other end. Roofing and brickwork of the car port will match materials of the existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 30 July 2024 the Government began consultations upon reforms to the National Planning Policy Framework (the Framework) which closed on 24 September 2024. The reforms are draft and may be subject to change and therefore I afford the draft changes only limited weight in the decision-making process. As there are no proposed reforms which are pertinent to the main issues in this appeal, it has not been necessary for me to consult the main parties upon it.
3. The local planning authority (LPA) has referred to its emerging Wirral Local Plan 2021-2037, but which has not yet been formally adopted. Consequently, I afford it limited weight in the decision-making process.
4. The appellant describes the proposed development as *'an open-sided car port of plan area approximately 4.4m long by 5.45m wide formed by extending forward the existing double garage double-pitched roof. The car port to be supported by the garage front wall at one end and two pillars at the other end. The householder permitted development limitations on ridge and eaves must be slightly exceeded due to the height of the existing garage. Other householder permitted development limitations will be met. Roofing and brickwork of the car port will match materials of the existing garage'*. I have used the description used by the LPA in the banner heading in the interest of conciseness.

Main Issues

5. The appeal property is located within the Green Belt.

6. The main issues are therefore (i) whether the proposed extension is inappropriate development within the Green Belt including its effect upon openness, and (ii) if the proposal is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances to justify development.

Reasons

Whether inappropriate development

7. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 154 makes it clear that, other than in specified circumstances, new buildings are inappropriate development. One of the exceptions to this is paragraph 154(c) which permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. However, the Framework includes no definition, volumetric or otherwise, as to what constitutes disproportionate additions.
8. Policy GB2 of the Wirral Unitary Development Plan 2000 (UDP) states that there is a general presumption against inappropriate development in the Green Belt and such development will not be approved except in very special circumstances. However, an exception is made for the *'limited extension, alteration or replacement of existing dwellings, subject to Policy GB4 and Policy GB5'*.
9. Policy GB4 is concerned with the replacement of existing dwellings in the Green Belt and so is not pertinent to the current appeal. Policy GB5, relating to the extension of existing dwellings in the Green Belt, states that such extensions will be permitted *'provided that the floorspace of the resultant dwelling is no more than 50% larger than that of the habitable floorspace of the original dwelling and subject also to the enlarged dwelling not having a harmful visual impact on its surroundings'*.
10. Because of its closeness to the main dwelling and its attachment to the existing garage, I consider that the proposed development would be an extension.
11. Both main parties concur that previous extensions to the host property exceed the above limit, with the appellant conceding that *'the appellant acknowledges that the two previous extensions to the dwelling and the detached garage (for all of which planning permission was granted or householder permitted development was confirmed) have taken the property extensions beyond the amount now permitted under Policy GB5'*.
12. However, the appellant considers that policy GB5 should not apply in this case and with regard to the proposed car port as it would be *'open sided and fronted' and would not add "enclosed" built floorspace and further contends 'that the proposed car port arguably is not even floorspace'*.
13. The appellant therefore considers that the appeal proposal should be assessed against UDP Policy HS11 (where the assessment should be made upon appropriate scale, design and materials, with no reference to a 50% limit), against LP Policy GB2 (but where nevertheless extensions are also subject to

Policy GB5 and the 50% limit) and policy LA1 which is concerned with the protection of Areas of Special Landscape.

14. The definition of a "building" in section 336 of the Town and Country Planning Act 1990 includes any structure or erection, and therefore I have assessed the proposal upon that basis.
15. The proposed car port would have a roof, and in my judgement, it is reasonable to conclude that the area beneath it would have both a volume, and moreover a floor area on which vehicles can park. Indeed, the appellant notes that *'the proposed car port has a footprint of approximately 24m²'*.
16. Therefore, I conclude that the size increase of the proposed development over that of the habitable part of the original building is such as to amount to inappropriate development in the Green Belt, contrary to Policies GB2 and GB5 of the UDP and the Framework. This is a matter to which I afford substantial adverse weight in decision making terms.

Effect upon the openness of the Green Belt

17. Paragraph 142 of the Framework states that *'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.
18. The appeal proposal would be set back from Thurstaston Road and to the side of the main house. By its single storey height and open sided design, the development would reduce the openness of the Green Belt in visual and spatial terms to a limited extent.

Other Considerations

19. The appellant refers to an approval for four dwellings in the Green Belt. However, he notes that in that case it was argued that there would be a net reduction in building volume on the land, which is different to the current appeal proposal.
20. The appellant also considers that the car port is necessary, especially at times of snow and heavy frost and when nearby trees shed their leaves and seed and when honeydew drips onto vehicles. However, these are inconveniences rather than essential requirements and which in themselves, can only have limited weight when compared to overall Green Belt policy.
21. It would be the appellant's intention to include photovoltaic panels to the proposed roof (where existing roofs by their size and orientation are said to be inefficient in this regard) and would help to meet the Government's green energy target. However, any such energy efficiency improvement would be limited, and it might be possible to achieve the same result in other ways. Nevertheless, I afford this matter some positive weight in the planning balance.
22. The car port would allow the undercover parking for an older vehicle temporarily while work is undertaken on another older vehicle. However, I have no knowledge as to where such vehicles are currently parked and why any such repairs cannot be undertaken where the vehicles are currently located. In any event, it would seem that any such provision would be only on a temporary

basis. I therefore afford this matter only limited weight in the decision making process.

23. The appellant notes that there are no objections from neighbours or from interested bodies, particularly from the Greenbelt Society and the Irby, Thurstaston and Pensby Amenity Society. The LPA officer report states that while these were consulted, no responses were received, though the reasons are not known. In any event, I can afford such non responses only minimal weight in the decision making process when compared to Green Belt policy as contained in the UDP and the Framework.
24. The appellant also considers that there is a lack of consistency between openness on the one hand, but on the other where the LPA finds there would be no harm to the character and appearance of the Thurstaston Common and Royden Park Area of Special Landscape Value. Even if that were to be the case, openness, and character and appearance are separate matters.

Conclusion

25. The proposal would amount to inappropriate development within the Green Belt. Harm is therefore caused to the Green Belt, and I afford this matter substantial adverse weight in the planning balance. In addition, some limited harm would be caused to the openness of the Green Belt. I conclude that the totality of the harm caused to the Green Belt by reason of inappropriateness and the impact upon openness would not be clearly outweighed by other considerations so as to amount to very special circumstances to justify development. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR